

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Tuesday, June 12, 2001, 9:30 A.M.

ACTION CALENDAR:

1. **Minutes**, June 12, 2001 Worksession.

Action: Approved, (DLB/LLM/AMC/DHS-FOR/MPH-ABSTAINED, 4-0-1)

2. **A-5525 and A-5549, Appeals of Howard Byron** (Department of Permitting Services - Issuance of Building Permit Nos. 227258 and 225500). Letter to the Board from the appellant withdrawing the appeals and requesting a refund of the filing fees. Also included is a letter to the appellant from Malcolm F. Spicer, Jr., Assistant County Attorney, notifying the appellant that both appeals are now moot.

Action: (1) Appeals dismissed as withdrawn; (2) refund 100% of the filing fees in accordance with the Board's Rules of Procedure, (DLB/LLM, 5-0).

3. **A-5537, Petition of Deborah J. Siebel** (accessory structure/garage). Letter to the Board from the petitioner withdrawing the variance request.

Action: Petition dismissed as withdrawn, (LLM/MPH, 5-0).

4. **A-5589, Appeal of Maury and Deborah Lamb-Mechanick and A-5590, Appeal of Hedrick and Susan Smith** (Department of Housing and Community Affairs [DHCA] – Notices of Violation). Letters from the appellants notifying the Board that the Notices of Violation have been rescinded and requesting a refund of the filing fees.

Action: (1) Appeals dismissed as moot; (2) refund 100% of the filing fees in accordance with the Board's Rules of Procedure, (LLM/DLB, 5-0).

5. **A-5604, Appeal of Battery Park Citizens Association, Inc.** (Department of Permitting Services (DPS) – Letter dated 2/25/01). Motion to Intervene from Alvin McIntyre Ehrlich, Esquire, for Matthew A. Farace and Hue Bach Nguyen, property owners at 8016 Old Georgetown Road.

Action: Granted motion to intervene, (DLB/LLM, 5-0).

6. **A-5606, Appeal of Robert Zarnetske** (Department of Permitting Services – Findings dated 3/2/01). Letter to the Board from the appellant requesting that the Board issue subpoenas. The Board also has a letter from Susan W. Carter, Esquire, counsel for the property owner.

Action: (1) Granted request to issue subpoenas; (2) item to return to the Board's next agenda to consider the amendment of the appeal, (AMC/LLM, 5-0).

7. **CBA-1227, Petition of Whitehall Apartments and Dr. Peter P. Andrews and Dr. Roland Imperial** (home occupation). Decision deferred from the revocation hearing held on 4/25/01. Record open to receive information about reinstatement of license.

Action: Revoked special exception, (LLM/DLB, 5-0).

8. **CBA-1577 [S-233] Petition of Stanley J. Nadonley, Trustees** (golf course and country club). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (AMC/LLML, 5-0).

9. **CBA-2987, Petition of Elbia B. Rodriguez** (home occupation). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 5-0).

10. **CBA-3028, Petition of Leo H. and Eva M. Hanrahan** (Nursery, Horticultural – Retail). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of a recent inspection of the special exception site.

Action: Information item, no Board action required.

11. **S-299 [S-406], Petition of Edwin J. Malloy, General Partner and Mach I Research Associates** (home occupation). Letter to the Board from Karen L. Komorowski, Director, Due Diligence, requesting a transfer of the special exception.

Action: Granted transfer of the special exception conditioned upon the sale and transfer of the special exception to occur within in the year and that notice of these actions to be given to the Board, (MPH/DLB, 5-0).

12. **S-1922, Petition of Sandy Spring National Bank** (general office for a bank). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception is in violation of its conditions and requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/LLM, 5-0).

13. **S-2200, Petition of Joseph T. VanHouten t/a Mulch and More, Inc.** (retail nursery or garden center and a wholesale nursery and greenhouse). Letter to the Board from William J. Chen, Jr., petitioner's attorney, requesting that the Board schedule a new hearing date.

Action: Schedule new public hearing, (MPH/DLB, 5-0).

14. **S-2315, Petition of Marcello Zenteno** (automobile repair and services). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception is in violation of its conditions and requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (DLB/LLM, 5-0).

15. **S-2471, Petition of Kid N Care Learning Center, LLC** (child day care facility). Motion to intervene from Martin J. Hutt, attorney for Art Verbins, an adjacent property owner.

Action: Granted motion to intervene, (DLB/LLM, 5-0).

PENDING ITEMS:

16. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr. , et at** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, notifying the Board of the special exceptions outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

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